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January 14, 2003

Via Electronic Comment Filing System

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: *Ex Parte Presentation*, CC Docket Nos. 01-338 and 96-98

Dear Ms. Dortch:

NewSouth Communications (“NewSouth”), through its counsel, hereby submits this notice of two *ex parte* meetings held today, January 14, 2003. At the first meeting, Jake E. Jennings, Vice President, Regulatory Affairs, NewSouth, and the undersigned, met with William Maher, Richard Lerner, Thomas Navin, Scott Bergmann, and Jeffrey Carlisle, of the Wireless Bureau. At the second meeting, Jake E. Jennings, Vice President, Regulatory Affairs, NewSouth, and the undersigned, met with Jordan Goldstein, Senior Legal Advisor to Commissioner Michael J. Copps.

The purpose of these meetings was to discuss NewSouth's concerns with adopting a pricing flexibility standard for determining impairment and with adopting usage restrictions, consistent with the attached presentation and comments previously filed.

Marlene H. Dortch, Secretary

January 14, 2003

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Pursuant to Section 1.1206(b)(2) of the Commission's rules, this letter is being provided for inclusion in the public record of the above-referenced proceeding. One copy of this letter and the attached presentation will be filed on the Electronic Comment Filing System.

Very truly yours,

/s/ Michael H. Pryor

Michael H. Pryor

*Counsel to NewSouth Communications*

Enclosure

cc: Jordan Goldstein (without attachment)  
William Maher (without attachment)  
Richard Lerner (without attachment)  
Thomas Navin (without attachment)  
Scott Bergmann (without attachment)  
Jeffrey Carlisle (without attachment)  
Jake E. Jennings



Triennial Review  
*Ex Parte* Presentation

A Pricing Flexibility Trigger Masks the Significant Impairment that Carriers Like NewSouth Face Without Access to Unbundled Transport and EELs.

- BOCs typically obtain pricing flexibility under the revenue-based portion of the test. As a result, BOCs may obtain pricing flexibility relief for MSAs in which the vast majority of wire centers have no competitive collocated carriers at all.
- In the BellSouth territory, where NewSouth operates, BellSouth has sought and obtained pricing flexibility based on extremely limited showings of competitive entry.

**Table 1**  
**Extent of Competitive Entry in BellSouth MSAs**

<b>MSA</b>	<b>Total BellSouth WCs</b>	<b>WCs w/ Collocators</b>	<b>Collocators With Non-BellSouth Entrance Facilities in the MSA</b>	<b>Number of B.S. WCs w/4 or more Collocators<sup>1/</sup></b>
Evansville	4	1	1	0
Lexington	7	1	1	0
Kentucky Outside MSAs	130	3	3	0
Owensboro	9	1	1	0
Clarksville	12	2	2	0
N. Carolina Outside MSAs	57	5	8	1

<sup>1/</sup> NewSouth concurs in the view that dedicated transport should not be unbundled in any wire center that does not have at least four alternative carriers capable of providing service from that wire center to the required destination). *See, e.g.*, Allegiance Reply Comments at 18-24 (explaining that the presence of at least four non-ILEC providers substantially lessens the threat of anticompetitive conduct); WorldCom Reply Comments at 126-27 (explaining the need to have at least four alternative carriers providing transport from a wire center before eliminating unbundled transport).

Even in Major Urban MSAs, Competitive Entry by Carriers with their Own Transport Is Concentrated.

**Table 1A**  
**Extent of Competitive Entry in Major Urban BellSouth MSAs**

<b>MSA</b>	<b>Total BellSouth WCs</b>	<b>WCs w/ Collocators</b>	<b>Collocators With Non-BellSouth Entrance Facilities in the MSA</b>	<b>Number of B.S. WCs w/4 or more Collocators</b>
Atlanta, GA	58	16	69	9
Charlotte, NC	22	12	46	5
Greensboro, NC	17	7	20	3
Nashville, TN	41	16	33	1
New Orleans, LA	28	6	14	1
Orlando, FL	10	7	39	6

## Competitive Carriers Serve Customers Subtending Many Wire Centers, Not Just Those Generating the Most Special Access Revenue

- The BOCs contend that the lack of collocators in the majority of wire centers is not important because CLECs concentrate in the wire centers with the most special access revenues.
- As demonstrated in the following tables, this is simply not the case, at least not for NewSouth. NewSouth serves customers subtending a large number of wire centers in an MSA.
- The vast majority of these wire centers have no alternative transport providers, based on the evidence submitted in BellSouth's pricing flexibility petitions.

**Table 2**  
**Greenville, South Carolina MSA**

MSA	Wire Center (WC) CLLI	WC Name	Collocators with Non BellSouth Entrance Facilities (EF)	NewSouth Leased DS-1 Loops*
			No.	
Greenville-Spartanburg, SC	SPBGSCMA	SPBG MAIN	2	Yes
Greenville-Spartanburg, SC	GNVLSCDT	GREENVILLE D&T	1	Yes
Greenville-Spartanburg, SC	GNVLSCWR	GNVL WOODRUFF RD	1	Yes
Greenville-Spartanburg, SC	LYMNSCES	LYMAN MAIN	1	Yes
Greenville-Spartanburg, SC	SPBGSCWV	SPBG WESTVIEW	1	Yes
Greenville-Spartanburg, SC	BLRGSCMA	BLUE RIDGE MAIN	0	Yes
Greenville-Spartanburg, SC	CENTSCWS	CENTRAL MAIN	0	Yes
Greenville-Spartanburg, SC	CLSNSCMA	CLEMSON MAIN	0	Yes
Greenville-Spartanburg, SC	ESLYSCMA	EASLEY MAIN	0	Yes
Greenville-Spartanburg, SC	FNVLSCMA	SPBG FINGERVILLE	0	No
Greenville-Spartanburg, SC	GNVLSCBE	GNVL BEREA	0	Yes
Greenville-Spartanburg, SC	GNVLSCCH	GNVL CHURCHILL	0	Yes
Greenville-Spartanburg, SC	GNVLSCCR	GNVL CRESTWOOD	0	Yes
Greenville-Spartanburg, SC	GNVLSCWE	GNVL WEST	0	Yes
Greenville-Spartanburg, SC	GNVLSCWP	GNVL WARE PLACE	0	Yes
Greenville-Spartanburg, SC	GRERSCMA	GREER MAIN	0	Yes
Greenville-Spartanburg, SC	LBRTSCMA	LIBERTY MAIN	0	Yes
Greenville-Spartanburg, SC	LYMNSCIP	LYMAN IND PARK	0	Yes
Greenville-Spartanburg, SC	MRTTSCMA	TRRS SLATER MARIETTA	0	Yes
Greenville-Spartanburg, SC	PCKNSCES	PICKENS MAIN	0	Yes
Greenville-Spartanburg, SC	SPBGSCBS	SPBG BOILING SPRINGS	0	Yes
Greenville-Spartanburg, SC	SPBGSCCV	SPBG CONVERSE	0	Yes
Greenville-Spartanburg, SC	SXMLSCMA	SIX MILE MAIN	0	No
Greenville-Spartanburg, SC	TRRSSCMA	TRAVELERS REST MAIN	0	Yes

\* NewSouth is collocated in two of the wire centers.

**Table 3**  
**Asheville, North Carolina MSA**

MSA	Wire Center (WC) CLLI	WC Name	Collocators with Non BellSouth Entrance Facilities (EF)	NewSouth Leased DS-1 Loops*
			No.	
Asheville, NC	AHVLNCOH	AHVL-O-HENRY	2	Yes
Asheville, NC	AHVLNCBI	AHVL-BILTMORE	0	Yes
Asheville, NC	AHVLNCOT	AHVL-OTEEN	0	Yes
Asheville, NC	ARDNNCCE	ARDN-CENTRAL	0	Yes
Asheville, NC	BCMTNCCE	BLACK MT-CENTRAL	0	Yes
Asheville, NC	ENKANCMA	ENKA-MAIN	0	Yes
Asheville, NC	FRVWNCMA	FAIRVIEW-MAIN	0	No
Asheville, NC	LCSRNCMA	LEICESTER-MAIN	0	No
Asheville, NC	SWNNNCMA	SWANNANOA-MAIN	0	No

\* NewSouth is collocated in one of the wire centers.



**Table 4**  
**Raleigh, North Carolina MSA**

MSA	Wire Center (WC) CLLI	WC Name	Collocators with Non BellSouth Entrance Facilities (EF)	NewSouth Leased DS-1 Loops*
			No.	
Raleigh, NC	RLGHNCHO	RLGH-NEW HOPE	6	Yes
Raleigh, NC	CARYNCCE	CARY-CENTRAL	5	Yes
Raleigh, NC	RLGHNCMO	RLGH-MORGAN	5	Yes
Raleigh, NC	RLGHNCGL	RLGH-GLENWOOD	4	Yes
Raleigh, NC	CPHLNCRO	CHAPEL HILL- ROSEMARY	2	Yes
Raleigh, NC	CARYNCWS	CARY-WESTON	1	Yes
Raleigh, NC	RLGHNCJO	RLGH-JONES FRANKLIN	1	Yes
Raleigh, NC	RLGHNCSE	RLGH-SIX FORKS	1	Yes
Raleigh, NC	APEXNCCE	APEX-CENTRAL	0	Yes
Raleigh, NC	KNDLNCCE	KNIGHTDALE- CENTRAL	0	Yes
Raleigh, NC	RLGHNCDU	RLGH-AIRPORT	0	Yes
Raleigh, NC	RLGHNCGA	RLGH-GARNER	0	Yes
Raleigh, NC	RLGHNCSE	RLGH-SUNNYBROOK	0	Yes
Raleigh, NC	WNDLNCPI	WENDELL-PINE	0	No
Raleigh, NC	ZBLNNCCE	ZEBULON-CENTRAL	0	No

\* NewSouth is collocated in two of the wire centers.

**Table 5**  
**Greensboro, North Carolina MSA**

MSA	Wire Center (WC) CLLI	WC Name	Collocators with Non BellSouth Entrance Facilities (EF)	NewSouth Leased DS-1 Loops*
			No.	
Greensboro, NC	GNBONCEU	GNBO-EUGENE	6	Yes
Greensboro, NC	GNBONCAS	GNBO-ASHLAND DR.	5	Yes
Greensboro, NC	WNSLNCFI	WNSL-FIFTH ST.	5	Yes
Greensboro, NC	GNBONCAP	GNBO-AIRPORT	1	Yes
Greensboro, NC	GNBONCLA	GNBO-LAWNDALE	1	Yes
Greensboro, NC	WNSLNCLE	WNSL-LEXINGTON	1	Yes
Greensboro, NC	WNSLNCVI	WNSL-VINEYARD	1	Yes
Greensboro, NC	GNBONCHO	GNBO-MT. HOPE	0	No
Greensboro, NC	GNBONCMC	GNBO-MCKNIGHT MILL	0	Yes
Greensboro, NC	GNBONCPG	GNBO-PLEASANT GRDNS	0	Yes
Greensboro, NC	JULNNCMA	JULIAN-MAIN	0	No
Greensboro, NC	MNTINCMA	MONTICELLO-MAIN	0	No
Greensboro, NC	SRFDNCCE	SUMMERFIELD-CENTRAL	0	No
Greensboro, NC	WNSLNCAR	WNSL-ARCADIA	0	Yes
Greensboro, NC	WNSLNCCL	WNSL-CLEMMONS	0	Yes
Greensboro, NC	WNSLNCGL	WNSL-GLENN AVE.	0	No
Greensboro, NC	WNSLNCWA	WNSL-WALLBURG	0	Yes
Greensboro, NC	WNSLNCWP	WNSL-WHITAKER PK	0	No

\* NewSouth is collocated in two of the wire centers.

**Table 6**  
**Atlanta MSA**

MSA	Wire Center (WC) CLLI	WC Name	Collocators with Non BellSouth Entrance Facilities (EF)	NewSouth DS-1 Loops*
			No.	
Atlanta, GA	ATLNGACS	COURTLAND ST	8	Yes
Atlanta, GA	SMYRGAPF	POWERS FERRY	8	Yes
Atlanta, GA	ATLNGABU	BUCKHEAD	7	Yes
Atlanta, GA	DNWDGAMA	DUNWOODY	7	Yes
Atlanta, GA	NRCRGAMA	NORCROSS	7	Yes
Atlanta, GA	ALPRGAMA	ALPHARETTA MAIN	6	Yes
Atlanta, GA	ATLNGAPP	PEACHTREE PLACE	5	Yes
Atlanta, GA	RSWLGAMA	ROSWELL MAIN	5	Yes
Atlanta, GA	MRTTGAMA	MARIETTA MAIN	4	Yes
Atlanta, GA	ATLNGAEP	EAST POINT	2	Yes
Atlanta, GA	ATLNGASS	SANDY SPRINGS	2	Yes
Atlanta, GA	SMYRGAMA	SMYRNA	2	Yes
Atlanta, GA	ATLNGATH	TOCO HILLS	2	Yes
Atlanta, GA	TUKRGAMA	TUCKER	2	Yes
Atlanta, GA	DLTHGAHS	DULUTH ESS	1	Yes
Atlanta, GA	LLBNGAMA	LILBURN	1	Yes
Atlanta, GA	ACWOGAMA	ACWORTH MAIN	0	Yes
Atlanta, GA	ATLNGAAD	ADAMSVILLE	0	Yes
Atlanta, GA	ASTLGAMA	AUSTELL	0	Yes
Atlanta, GA	ATLNGABH	BEN HILL	0	Yes
Atlanta, GA	BUFRGABH	BUFORD ESS	0	No
Atlanta, GA	CHMBGAMA	CHAMBLEE MAIN	0	Yes
Atlanta, GA	ATLNGACD	COLUMBIA DRIVE	0	Yes
Atlanta, GA	CNYRGAMA	CONYERS MAIN	0	No
Atlanta, GA	CVTNGAMT	COVINGTON MAIN	0	No
Atlanta, GA	CMNGGAMA	CUMMING MAIN	0	No
Atlanta, GA	DLLSGAES	DALLAS ESS	0	Yes
Atlanta, GA	DGVLGAMA	DOUGLASVILLE MAIN	0	Yes
Atlanta, GA	ATLNGAEL	EAST LAKE	0	Yes
Atlanta, GA	FRBNGAEB	FAIRBURN ESS	0	Yes
Atlanta, GA	FYVLGASG	FAYETTEVILLE ESS	0	Yes
Atlanta, GA	ATLNGAFP	FOREST PARK	0	Yes
Atlanta, GA	ATLNGAGR	GRESHAM	0	Yes
Atlanta, GA	HMPNGAJW	HAMPTON ESS	0	Yes
Atlanta, GA	ATLNGAHR	HOLLYWOOD RD	0	Yes
Atlanta, GA	ATLNGAIC	INDIAN CREEK	0	Yes
Atlanta, GA	JCSNGAMA	JACKSON MAIN	0	No
Atlanta, GA	JNBOGAMA	JONESBORO	0	Yes
Atlanta, GA	KGTNGAMA	KINGSTON	0	No

**Table 6 (cont'd)**  
**Atlanta MSA**

MSA	Wire Center (WC) CLLI	WC Name	Collocators with Non BellSouth Entrance Facilities (EF)	NewSouth DS-1 Loops*
			No.	
Atlanta, GA	ATLNGALA	LAKEWOOD	0	Yes
Atlanta, GA	LTHNGAJS	LITHONIA ESS	0	Yes
Atlanta, GA	LGVLGACS	LOGANVILLE ESS	0	Yes
Atlanta, GA	MRTTGAEA	MARIETTA EAST	0	Yes
Atlanta, GA	MCDNGAGS	MCDONOUGH DMS	0	Yes
Atlanta, GA	MRRWGAMA	MORROW	0	Yes
Atlanta, GA	LRVLGAOS	OAK STREET	0	Yes
Atlanta, GA	PLMTGAMA	PALMETTO ESS	0	Yes
Atlanta, GA	PANLGAMA	PANOLA RD	0	Yes
Atlanta, GA	PTCYGAMA	PEACHTREE CITY	0	Yes
Atlanta, GA	PWSPGAAS	POWDER SPRINGS ESS	0	Yes
Atlanta, GA	RVDLGAMA	RIVERDALE	0	Yes
Atlanta, GA	SNLVGAMA	SNELLVILLE MAIN	0	Yes
Atlanta, GA	SCCRGAMA	SOCIAL CIRCLE MAIN	0	No
Atlanta, GA	STBRGANH	STOCKBRIDGE ESS	0	Yes
Atlanta, GA	SNMTGALR	STONE MOUNTAIN	0	Yes
Atlanta, GA	VLRCGAES	VILLA RICA MAIN	0	No
Atlanta, GA	ATLNGAWE	WEST END	0	Yes
Atlanta, GA	ATLNGAWD	WOODLAND	0	Yes
Atlanta, GA	WDSTGACR	WOODSTOCK ESS	0	Yes

\* NewSouth is collocated in five of the wire centers.

**Table 7**  
**Charlotte MSA**

MSA	Wire Center (WC) CLLI	WC Name	Collocators with Non BellSouth Entrance Facilities (EF)	NewSouth DS-1 Loops*
			No.	
Charlotte-Gastonia, NC	CHRLNCCA	CHARLOTTE-CALDWELL	10	Yes
Charlotte-Gastonia, NC	CHRLNCBO	CHARLOTTE-S BLVD	9	Yes
Charlotte-Gastonia, NC	CHRLNCUN	CHARLOTTE-UNIVERSITY	7	Yes
Charlotte-Gastonia, NC	CHRLNCSH	CHRL-SHARON AMITY	6	Yes
Charlotte-Gastonia, NC	CHRLNCRE	CHARLOTTE-REID	5	Yes
Charlotte-Gastonia, NC	CHRLNCCR	CHARLOTTE-CARMEL	2	Yes
Charlotte-Gastonia, NC	CHRLNCLP	CHARLOTTE-LAKE POINT	2	Yes
Charlotte-Gastonia, NC	CHRLNCDE	CHARLOTTE-DERITA	1	Yes
Charlotte-Gastonia, NC	CHRLNCER	CHARLOTTE-ERWIN RD	1	Yes
Charlotte-Gastonia, NC	CHRLNCCE	CHRL-CENTRAL AVE	1	Yes
Charlotte-Gastonia, NC	CHRLNCTH	CHRL-THOMASBORO	1	Yes
Charlotte-Gastonia, NC	GSTANCSO	GASTONIA-SOUTH ST	1	Yes
Charlotte-Gastonia, NC	BLMTNCCE	BELMONT-CENTRAL	0	No
Charlotte-Gastonia, NC	BSCYNCMA	BESSEMER-MAIN	0	No
Charlotte-Gastonia, NC	CHRLNCMI	CHARLOTTE-MINT HILL	0	Yes
Charlotte-Gastonia, NC	CHRLNCOD	CHARLOTTE-OLD DOWD	0	Yes
Charlotte-Gastonia, NC	DVSNNCPO	DAVIDSON-POTTS	0	Yes
Charlotte-Gastonia, NC	GSTANCDA	GASTONIA-DALLAS	0	Yes
Charlotte-Gastonia, NC	HSVLCNCCE	HUNTERSVILLE-CENTRAL	0	Yes
Charlotte-Gastonia, NC	LWLLNCMA	LOWELL-MAIN	0	No
Charlotte-Gastonia, NC	MTHLNCMA	MOUNT HOLLY-MAIN	0	No
Charlotte-Gastonia, NC	STNLNCCE	STANLEY-CENTRAL	0	No

\* NewSouth is collocated in three of the wire centers.

**Table 8**  
**Greensboro MSA**

MSA	Wire Center (WC) CLLI	WC Name	Collocators with Non BellSouth Entrance Facilities (EF)	NewSouth DS-1 Loops*
			No.	
Greensboro-Winston-Salem-High Point, NC	GNBONCEU	GNBO-EUGENE	6	Yes
Greensboro-Winston-Salem-High Point, NC	GNBONCAS	GNBO-ASHLAND DR	5	Yes
Greensboro-Winston-Salem-High Point, NC	WNSLNCFI	WNSL-FIFTH ST	5	Yes
Greensboro-Winston-Salem-High Point, NC	GNBONCAP	GNBO-AIRPORT	1	Yes
Greensboro-Winston-Salem-High Point, NC	GNBONCLA	GNBO-LAWNDALE	1	Yes
Greensboro-Winston-Salem-High Point, NC	WNSLNCLE	WNSL-LEXINGTON	1	Yes
Greensboro-Winston-Salem-High Point, NC	WNSLNCVI	WNSL-VINEYARD	1	Yes
Greensboro-Winston-Salem-High Point, NC	GNBONCMC	GNBO-MCKNIGHT MILL	0	Yes
Greensboro-Winston-Salem-High Point, NC	GNBONCHO	GNBO-MT HOPE	0	Yes
Greensboro-Winston-Salem-High Point, NC	GNBONCPG	GNBO-PLEASANT GRDNS	0	Yes
Greensboro-Winston-Salem-High Point, NC	JULNNCMA	JULIAN-MAIN	0	No
Greensboro-Winston-Salem-High Point, NC	MNTINCMA	MONTICELLO-MAIN	0	No
Greensboro-Winston-Salem-High Point, NC	SRFDNCCE	SUMMERFIELD-CENTRAL	0	No
Greensboro-Winston-Salem-High Point, NC	WNSLNCAR	WNSL-ARCADIA	0	Yes
Greensboro-Winston-Salem-High Point, NC	WNSLNCCL	WNSL-CLEMMONS	0	Yes
Greensboro-Winston-Salem-High Point, NC	WNSLNCGL	WNSL-GLENN AVE	0	Yes
Greensboro-Winston-Salem-High Point, NC	WNSLNCWA	WNSL-WALLBURG	0	Yes

\* NewSouth is collocated in two of the wire centers.

**Table 9**  
**Nashville MSA**

MSA	Wire Center (WC) CLLI	WC Name	Collocators with Non BellSouth Entrance Facilities (EF)	NewSouth DS-1 Loops*
			No.	
Nashville- Davidson, TN	NSVLTNMT	NSVL-MAIN	5	Yes
Nashville- Davidson, TN	NSVLTNAP	NSVL-AIRPORT	3	Yes
Nashville- Davidson, TN	NSVLTNBW	NSVL-BRENTWOOD	3	Yes
Nashville- Davidson, TN	NSVLTNCH	NSVL-CRIEVE HALL	3	Yes
Nashville- Davidson, TN	NSVLTNST	NSVL-SHARONDALE	3	Yes
Nashville- Davidson, TN	NSVLTNUN	NSVL-UNIVERSITY	3	Yes
Nashville- Davidson, TN	FKLNTNMA	FRANKLIN	2	Yes
Nashville- Davidson, TN	NSVLTNDO	NSVL-DONELSON	2	Yes
Nashville- Davidson, TN	NSVLTNMC	NSVL-MADISON	2	Yes
Nashville- Davidson, TN	FKLNTNCC	FKLN-COOL SPRINGS	1	Yes
Nashville- Davidson, TN	GALLTNMA	GALLATIN	1	Yes
Nashville- Davidson, TN	HDVLTNMA	HENDERSONVILLE	1	Yes
Nashville- Davidson, TN	LBNNTNMA	LEBANON	1	Yes
Nashville- Davidson, TN	MRBOTNMA	MURFREESBORO	1	Yes
Nashville- Davidson, TN	NSVLTNIN	NSVL-INGLEWOOD	1	Yes
Nashville- Davidson, TN	SMYRTNMA	SMYRNA	1	Yes
Nashville- Davidson, TN	ACHLTNMT	ADAMS-CEDAR HILL	0	No
Nashville- Davidson, TN	ASCYTNMA	ASHLAND CITY	0	Yes
Nashville- Davidson, TN	CHRLTNMT	CHARLOTTE	0	No
Nashville- Davidson, TN	CRPLTNMA	CROSS PLNS-ORLN	0	No
Nashville- Davidson, TN	DKSNTNMT	DICKSON	0	Yes
Nashville- Davidson, TN	EAVLTNMA	EAGLEVILLE	0	No
Nashville- Davidson, TN	FRVWTNMT	FAIRVIEW	0	No

**Table 9 (cont'd)**  
**Nashville MSA**

MSA	Wire Center (WC) CLLI	WC Name	Collocators with Non BellSouth Entrance Facilities (EF)	NewSouth DS-1 Loops*
			No.	
Nashville- Davidson, TN	GDVLTNMA	GOODLETTSVILLE	0	Yes
Nashville- Davidson, TN	GNBRTNMA	GREENBRIER	0	No
Nashville- Davidson, TN	NSVLTNAA	NSVL-AIR-AUTH	0	Yes
Nashville- Davidson, TN	NSVLTNBV	NSVL-BELLEVUE	0	Yes
Nashville- Davidson, TN	NSVLTNBH	NSVL-BURTON HILLS	0	Yes
Nashville- Davidson, TN	NSVLTNCD	NSVL-COCKRILL BD	0	Yes
Nashville- Davidson, TN	NSVLTNHH	NSVL-HICKORY HOLLOW	0	Yes
Nashville- Davidson, TN	NSVLTNWM	NSVL-WEST MEADE	0	Yes
Nashville- Davidson, TN	NSVLTNWC	NSVL-WHITESCREEK	0	Yes
Nashville- Davidson, TN	OLHCTNMA	OLD HICKORY	0	No
Nashville- Davidson, TN	PSVWTNMT	PLEASANT VIEW	0	No
Nashville- Davidson, TN	PTLDTNMA	PORTLAND	0	No
Nashville- Davidson, TN	SPFDTNMA	SPRINGFIELD	0	Yes
Nashville- Davidson, TN	TRINTNMA	TRIUNE	0	No
Nashville- Davidson, TN	VNLRTNMA	VANLEER	0	No
Nashville- Davidson, TN	WTTWTNMA	WATERTOWN	0	No
Nashville- Davidson, TN	WHBLTNMT	WHITE BLUFF	0	No
Nashville- Davidson, TN	WHHSTNMA	WHITE HOUSE	0	No

\* NewSouth is collocated in four of the wire centers.



**Table 10**  
**New Orleans MSA**

MSA	Wire Center (WC) CLLI	WC Name	Collocators with Non BellSouth Entrance Facilities (EF)	NewSouth DS-1 Loops*
			No.	
New Orleans, LA	NWORLAMA	N.O. – MAIN	6	Yes
New Orleans, LA	NWORLAMT	N.O. – METAIRIE	3	Yes
New Orleans, LA	NWORLASW	N.O. - SHREWSBURY	2	Yes
New Orleans, LA	KNNRLAHN	KENNER-HARAHAN	1	Yes
New Orleans, LA	NWORLAMC	N.O. - MID CITY	1	Yes
New Orleans, LA	NWORLASC	N.O. - ST CHARLES	1	Yes
New Orleans, LA	BUSHLAMA	BUSH	0	No
New Orleans, LA	CVTNLAMA	COVINGTON	0	No
New Orleans, LA	DLCXLAMA	DELACROIX	0	No
New Orleans, LA	FLSMLAMA	FOLSOM	0	No
New Orleans, LA	LCMBLAMA	LACOMBE	0	No
New Orleans, LA	LFTTLAMA	LAFITTE	0	No
New Orleans, LA	LKCTLAMA	LAKE CATHERINE	0	No
New Orleans, LA	MDVILAMA	MADISONVILLE	0	No
New Orleans, LA	MNVLLAMA	MANDEVILLE	0	Yes
New Orleans, LA	NWORLAAV	N.O. - AVONDALE	0	Yes
New Orleans, LA	NWORLABM	N.O. - BROADMOOR	0	Yes
New Orleans, LA	NWORLACA	N.O. - CARROLLTON	0	Yes
New Orleans, LA	NWORLACM	N.O. - CHALMETTE	0	Yes
New Orleans, LA	NWORLAFR	N.O. - FRANKLIN	0	Yes
New Orleans, LA	NWORLALK	N.O. - LAKE	0	Yes
New Orleans, LA	NWORLAMR	N.O. - MARRERO	0	Yes
New Orleans, LA	NWORLAMU	N.O. - MICHoud	0	Yes
New Orleans, LA	NWORLARV	N.O. - RIVERSIDE	0	Yes
New Orleans, LA	NWORLASK	N.O. - SEABROOK	0	Yes
New Orleans, LA	PRRVLAMA	PEARL RIVER	0	No
New Orleans, LA	SLIDLAMA	SLIDELL	0	Yes
New Orleans, LA	YSCLLAMA	YSCLOSKEY	0	No

\* NewSouth is collocated in six of the wire centers.

**Table 11**  
**Orlando MSA**

MSA	Wire Center (WC) CLLI	WC Name	Collocators with Non BellSouth Entrance Facilities (EF)	NewSouth DS-1 Loops*
			No.	
Orlando, FL	ORLDFLMA	ORLD-MAGNOLIA	10	Yes
Orlando, FL	ORLDFLCL	ORLD-COLONIAL	6	Yes
Orlando, FL	ORLDFLPH	ORLD-PINEHILLS	6	Yes
Orlando, FL	ORLDFLSA	ORLD-SAND LAKE	6	Yes
Orlando, FL	ORLDFLAP	ORLD-AZALEA PARK	5	Yes
Orlando, FL	ORLDFLPC	ORLD-PINECASTLE	4	Yes
Orlando, FL	LKMRFLMA	LAKE MARY	2	Yes
Orlando, FL	EORNFLMA	EAST ORANGE	0	No
Orlando, FL	GENVFLMA	GENEVA	0	No
Orlando, FL	OVIDFLCA	OVIDEDO	0	No

\* NewSouth is collocated in two of the wire centers.

### Impairment Determinations Should Be Based on the Existence of Actual Transport Alternatives, Not the Limited Entry Sufficient To Obtain Pricing Flexibility

- The evidence provided in the tables above underscores the importance of assessing transport impairment at the wire center level and on a route-by-route basis.
- A test that only looks at the existence of collocators at one end of the circuit could force NewSouth to abandon the customers subtending the substantial number of wire centers from which NewSouth obtains DS-1 loops, and at which there are no competitive transport providers.

### Pricing Flexibility Should Not Be Used As a Trigger to Eliminate Unbundled Loops.

- BOCs can obtain pricing flexibility for the loop portion of special access circuits, called channel terminations, without any demonstration at all concerning the extent to which any carrier has actually self-deployed loops or makes loops available to third parties.
- The record submitted in this proceeding provides overwhelming evidence that, in fact, there has been virtually no self-deployment of DS-1 loops.

*See, e.g.,* CCG Consulting Report on the State of CLEC Competition (filed July 17, 2002) (survey of 20 different CLECs in six representative markets showed virtually no self-provisioning of DS-1 loops); WorldCom October 29, 2002 *ex parte* at 2 (over 90% of DS-1 last-mile facilities are obtained from ILECs); TDS Metrocom Reply Comments, Jenn. Aff. ¶ 4 (provisions just over 9% of business lines over own loops); Eschelon Comments at 21 (94% of T-1 lines obtained from ILECs); NewSouth October 28, 2002 *ex parte* at 10 (none of NewSouth's 8,659 DS-1 loops are self-provisioned or obtained from a third party).

## The Commission Should Remove “Use Restrictions” and Rely on Its Impairment Findings

- NewSouth has urged the Commission to foster facilities-based competition by removing obstacles to loop access and use. Usage restrictions, and the concomitant tests and audit requirements, impose unnecessary costs and delay.
- The Commission imposed interim restrictions on EEL conversions pending the development of a record to determine if carriers were impaired without loop/transport combinations when providing “special access service.”
- A sufficient record is now before the Commission to make the requisite determinations.
- Impairment determinations made on a granular basis obviate the need for usage restrictions, and the complicated, burdensome tests and audits used to assess compliance. Imposing usage restrictions where there has been no finding of lack of impairment would be unlawful.
- Usage restrictions should NOT be used to enforce impairment determinations. If an ILEC believes a carrier is obtaining UNEs in circumstances where the Commission has found no impairment, the ILECs’ recourse is to file an enforcement action.